Resolution No. 07-0262

STOCKTON CITY COUNCIL

RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT (FEIR/EA 8-03) AND ADOPTING THE FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE INTERSTATE 5/FRENCH CAMP ROAD INTERCHANGE AND SPERRY ROAD EXTENSION PROJECT (PROJECT NO. 99-01)

WHEREAS, the U.S. Department of Transportation, Federal Highway Administration, State of California Department of Transportation and the City have prepared an environmental assessment of the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project (Project No. 99-01) (the "Project"), which is identified as Final Environmental Impact Report /Environmental Assessment (FEIR/EA 8-03/SCH 2003112018) (the "EIR") and Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; and

WHEREAS, the EIR has been completed in compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000, et seq.), the City Council has reviewed and considered the information and analysis contained in the EIR and the EIR reflects the City Council's independent judgment; and

WHEREAS, alternatives to the Project, including the No Project Alternative were included and analyzed in the EIR; and

WHEREAS, the EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the City Council is required, pursuant to CEQA and the "CEQA Guidelines" (14 CCR § 15000, et seq.), to adopt all feasible mitigation measures or a feasible project alternative that can substantially lessen or avoid any significant effects on the environment associated with a project to be approved, such as the Project; and

WHEREAS, as the Findings adopted as Exhibit A to this Resolution demonstrate, all of the significant effects on the environment associated with the Project can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, because all significant effects on the environment associated with the Project have been at least substantially lessened through feasible mitigation, the City Council need not consider the feasibility of alternatives, as set forth in the EIR, that

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will be less environmentally damaging than the Project with respect to the unavoidable significant effects associated with the Project; and

WHEREAS, the City Council has nevertheless decided, for purposes of full disclosure to its constituents, to address both the extent to which alternatives may be environmentally superior with respect to the significant unavoidable effects of the Project, and the extent to which such alternatives may be "feasible" within the meaning of CEQA and CEQA case law; and

WHEREAS, the City Council has determined, for reasons set forth in findings found in Exhibit A hereto, that each alternative, including the No Project Alternative, as described in the EIR, either is not environmentally preferable, is infeasible, fails to meet the City's objectives, or some combination of these factors; and

WHEREAS, the City is required by Public Resources Code section 21081.6, subdivision (a)(1), and CEQA Guidelines section 15097 to adopt a Mitigation Monitoring and Reporting Plan, also contained within, and adopted as, Exhibit A to this resolution, to ensure that the mitigation measures adopted by the City are carried out; and

WHEREAS, mitigation for each of those impacts identified as significant in the EIR will be performed and monitored by the City pursuant to the Mitigation Monitoring and Reporting Plan; and

WHEREAS, because the adopted mitigation measures have not mitigated all identified significant effects on the environment associated with the Project to less than significant levels, CEQA requires the City to adopt a Statement of Overriding Considerations, which is also contained within Exhibit A attached hereto; and

WHEREAS, the City Council now determines it appropriate to approve the findings and other statements provided for herein and to authorize City staff to take certain additional actions specified below, including the preparation and filing of a Notice of Determination; now, therefore,

WHEREAS, all applicable approvals are based on, and subject to, the adopted CEQA findings, mitigation measures, and mitigation monitoring reporting provisions, as specified in the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program attached as Exhibit A; and now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. That the City Council hereby finds the above recitals to be true and correct.

2. That the City Council hereby finds and certifies that the EIR has been completed in compliance with CEQA, the State EIR Guidelines and the Local Guidelines; that the EIR adequately addresses the environmental issues of the Project; that the City Council has reviewed and considered the information contained in the EIR

prior to making recommendations on the Project, and that the EIR reflects the independent judgment of the City Council.

2. The City Council hereby identifies the significant effects, adopts the mitigation measures, adopts the monitoring program to be implemented for each mitigation measure, makes the findings and makes the Statement of Overriding Considerations as set forth in detail in the Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program attached hereto as Exhibit A, which is incorporated into this resolution by this reference. The statements, findings and determinations set forth therein are based on the above certified EIR and other information available to the City Council, and are made in compliance with Sections 15091, 15092, and 15093 of the State EIR Guidelines and Section 21081.6 of CEQA.

3. In accordance with CEQA Guidelines sections 15091, 15092, and 15093, the City Council finds that the significant environmental effects of the Project will be mitigated to less than significant levels by the mitigation measures adopted by the City, with the exception of certain impacts, which, though substantially lessened by adopted feasible mitigation measures, are nevertheless still considered significant and unavoidable.

4. The City Council hereby makes and adopts CEQA Findings as contained in Exhibit A hereto.

5. The City Council hereby adopts a Statement of Overriding Considerations, as contained in Exhibit A hereto, explaining how the benefits of the Project, among other considerations, justify the Project's significant and unavoidable impacts.

6. The Mitigation Measures and Mitigation Monitoring and Reporting Plan included in Exhibit A hereto are approved.

7. By adopting this resolution, including Exhibit A attached hereto, the City has satisfied its obligation pursuant to Public Resources Code section 21081, subdivision (b), which requires the issuance of a Statement of Overriding Considerations whenever a project's environmental effects cannot be mitigated to less than significant levels.

8. Through this resolution, which incorporates by reference and adopts the Mitigation Monitoring and Reporting Plan attached as Exhibit A hereto, the City has satisfied its obligations pursuant to Public Resources Code section 21081.6, subdivision (a)(1).

9. The City Council further authorizes City staff to prepare and file a Notice of Determination within five working days following the date of adoption of this resolution with the County Clerk of the County of San Joaquin and with the State of California, and directs that copies of the EIR be retained at the administrative offices of the City for public review.

10. Pursuant to Public Resources Code section 21081.6, subdivision (a)(2), and CEQA Guidelines section 15091, subdivision (e), the City Clerk is the custodian of the documents and other material that constitute the record of proceedings upon which this decision is based, and such documents and other material are located at 425 North El Dorado Street, Stockton, California 95202.

PASSED, APPROVED and ADOPTED JUN 26 2007.

EDWARD J. CHAVEZ, Mayor
of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

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INTERSTATE 5/FRENCH CAMP ROAD INTERCHANGE AND SPERRY ROAD EXTENSION PROJECT

Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program

SCH No. 2003112018

Stockton EIR File No. EIR8-03

Prepared by
City of Stockton

April 2007

EXHIBIT "A"

CONTENTS

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

INTRODUCTION

The City of Stockton is the CEQA lead agency for the preparation of an Environmental Impact Report (EIR 8-03) for the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project (proposed project) located in the southwestern area of the City of Stockton. Interstate 5 in the project area is bordered by residential development near the Downing Avenue interchange, and agricultural fields (west) and commercial/industrial development (east) near the Interstate 5/French Camp Road interchange. The proposed project would reconstruct the existing interchange, extend Sperry Road from its intersection with Performance Drive to Interstate 5, and relocate the French Camp Road/Manthey Road intersection between Henry Long Boulevard and Yettner Road. The purpose of the project is to improve local and regional circulation, in particular within the South Stockton Planning Area and between Interstate 5, State Route 99, and the Stockton Metropolitan Airport.

The Federal Highway Administration (FHWA) is the federal lead agency for the preparation of an Environmental Assessment for the proposed project. The City of Stockton, the California Department of Transportation (Caltrans), and the FHWA jointly proposed the project to reduce existing traffic congestion, improve traffic operations, and accommodate travel demand anticipated through the year 2025.

The City worked closely with Caltrans and the FHWA in preparing technical studies and an Initial Study for the proposed project. The City also worked closely with Caltrans and the FHWA in preparing an Environmental Impact Report (EIR)/Environmental Assessment (EA) for the proposed project. A Draft EIR/EA was prepared and circulated for the proposed project from March 14, 2006 to April 27, 2006, and a Final EIR/EA was prepared to respond to public and agency comments received on the Draft EIR/EA.

This document sets forth the City's findings regarding the potential environmental effects of the proposed project. Under the California Environmental Quality Act (CEQA), the City, as the CEQA lead agency, is required to make written findings. Section 15091 of the CEQA Guidelines states that "no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." The City may find that

1. Changes or alterations have been incorporated into (including adoption of mitigation measures) the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been or should be adopted by that agency; and/or
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

To the extent that a project is subject to CEQA, a public agency may not approve the project as proposed if feasible mitigation measures or feasible alternatives are available that would substantially lessen the project's significant environmental effects (Public Resources Code Section 21002). Based on Section 21002, both the California Resources Agency and the State's courts have recognized that, in approving projects with significant environmental effects, public agencies have an obligation to modify projects, to the extent *feasible*, to substantially lessen or avoid such effects (CEQA Guidelines, Sections 15002, subdivision (a)(3), 15021, subd. (a)(2); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41 [271 Cal.Rptr. 393]).

Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines Section 15364 adds another factor: "Legal" considerations (refer also to, *Citizens of Goleta Valley v. Board of Supervisors ("Goleta II")* (1990) 52 Cal.3d 553, 565 [276 Cal.Rptr. 410]). An agency may reject mitigation measures or environmentally superior alternatives as being infeasible if they frustrate an agency's ability to meet the objectives of a proposed project (refer to, *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 416-417 [183 Cal.Rptr. 898; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [29 Cal.Rptr.2d 182]).

The obligation to substantially lessen or avoid significant effects, where feasible, is implemented, in part, through the adoption of "CEQA" findings, as mandated by Public Resources Code Section 21081. The parallel section in the CEQA Guidelines is Section 15091, which provides that, before an agency can approve a project for which an EIR has identified significant environmental effects, the agency must first adopt "one or more findings for each [such] ... significant effect." Each of these findings must be supported by substantial evidence in the administrative record. For each effect, the agency's findings must reach one or more of three (3) permissible conclusions.

The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, Section 15091, subd. (a)(1)).

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted

by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, Section 15091, subd. (a)(2)).

As to the third permissible conclusion, CEQA Guidelines Section 15091 no longer exactly tracks the statutory language of Public Resources Code Section 21081, subd. (a)(3), which was amended in 1993 and again in 1994. The amended statute provides that the third permissible conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR" (Public Resources Code, Section 21081, subd. (a)(3); refer also to CEQA Guidelines, Section 15091, subd. (a)(3)).

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." Such an understanding of the statutory term is consistent with Public Resources Code Section 21002, which, as noted earlier, uses the terms "substantially lessen" and "avoid", but does not use the word "mitigate."

For purposes of these Findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a *less-than-significant level.* In contrast, the term "substantially lessen" refers to the effectiveness of such a measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]", these Findings, for purposes of clarity, in each case specifies whether the effect in question has been avoided (i.e., reduced to a less-than-significant level), or has simply been substantially lessened but remains significant.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation even to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact—even if the alternative would render the impact less severe than would the proposed project as mitigated (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731 [270 Cal.Rptr. 650]; and *Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 400-403 [253 Cal.Rptr. 426]).

In these Findings, the City of Stockton addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable does the City address the extent to which alternatives described in the Final EIR are *(i)* environmentally superior with respect to that effect and *(ii)* "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment" (Public Resources Code, Section 21081, subd. (b) refer also to, CEQA Guidelines, Sections 15093, 15043, subd. (b)). In the Statement of Overriding Considerations, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced" (*Goleta II, supra*, 52 Cal.3d at 576 [276 Cal.Rptr. 410]).

RECORD OF PROCEEDINGS

For purposes of CEQA, and the Findings as set forth herein, the Record of Proceedings (the "Record") for the City's decision on the Project consists of the following documents:

1. The City of Stockton 1990 General Plan, as amended
2. The Notice of Preparation and other public notices issued by the City in conjunction with the Project
3. The *Final EIR/EA for the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project* (City of Stockton, 2006) (including all Technical Reports and Appendices) (hereinafter the "Final EIR/EA")
4. The *Draft EIR/EA for the Interstate 5/French Camp Road Interchange and Sperry Road Project* (City of Stockton, 2006) (including all Technical Reports and Appendices (hereinafter the "Draft EIR/EA")
5. All comments submitted by public agencies or members of the public during the public comment period on the Draft EIR/EA, the Final EIR/EA, and responses to those comments
6. All staff reports, memoranda, maps, letters, minutes of meetings, referrals, and other planning documents prepared by City staff relating to the Project
7. All testimony, documents, and other evidence presented by members of the public and their representatives concerning the Project
8. All testimony and documents submitted to the City by public agencies and members of the public in connection with the Project

9. Minutes, transcripts, recordings and videotapes of all workshops, information sessions, public meetings, and public hearings held by the City in connection with the Project
10. Any documentary or other evidence submitted to the City at such workshops, information sessions, public meetings, and public hearings
11. Matters of common knowledge to the City Council, including, but not limited to, the following:
    a. The Development Code of the City of Stockton
    b. The City of Stockton Municipal Code
    c. Other formally adopted policies and ordinances

Items listed under 1 through 10 are in the custody of the City Planning and Community Development Department, located at 345 North El Dorado Street, Stockton, California 95202.

Items 11.a, 11.b and 11.c are in the custody of the City Clerk's Office, located at 425 North El Dorado Street, Stockton, California 95202.

HEARING PROCESS

A notice of preparation (NOP) for the EIR was originally released on November 5, 2003. The issues raised in response to the NOP, as amended, were addressed in the Draft and Final EIR/EA. The Draft EIR/EA was released on March 14, 2006, and circulated for 45 days for public review and comment, with the comment period ending April 27, 2006. Thereafter, the Final EIR/EA was prepared with responses to comments, and released for review on April 2, 2007.

The City Council held a public hearing and approved the Project and certified the Final EIR on April 17, 2007. This document also includes the Mitigation Monitoring and Reporting Program as required by CEQA. When an agency approves a project and adopts mitigation measures for significant impacts disclosed by an EIR, it is required by California law (Public Resources Code Section 21081.6) to establish a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures are implemented. The Mitigation Monitoring and Reporting Program Matrix identifies each required mitigation measure, the implementation responsibility and timing schedule, and the monitoring and reporting responsibility and timing.

FINDINGS REGARDING ALTERNATIVES

The City, as CEQA lead agency, is required to make written findings explaining how it has dealt with each alternative identified in the EIR/EA. The following is a description of the alternatives evaluated compared to the proposed project and of the specific economic, social, or other considerations that make them infeasible for avoiding or lessening the impacts.

Pursuant to Section 15126.6 of the CEQA Guidelines, the primary intent of the alternatives evaluation is to "describe a range of reasonable alternatives to the project or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the

significant effects of the project and evaluate the comparative merits of the alternatives." CEQA Guidelines further state that the discussion of alternatives shall focus on alternatives capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.

The following is a description of the Project objectives (also referred to as project purpose), alternatives evaluated compared to the proposed Project, and findings regarding the feasibility of adopting the described alternatives.

Project Objectives

The primary purpose of the proposed Project is to reduce existing congestion, improve traffic operations, and accommodate anticipated travel demand through the year 2025. Specifically, the Project purpose is to:

- Improve regional east-west circulation in south Stockton
- Improve traffic operations at the Interstate 5/French Camp Road interchange
- Improve traffic operations on Interstate 5
- Improve traffic operations at the French Camp Road/Manthey Road intersection

Alternatives Considered but Eliminated from Further Evaluation

The following is a summary of alternatives considered but eliminated from further evaluation because they did not meet the project objectives or reduce the severity of significant impacts.

Alternative Site

According to the CEQA Guidelines, two major provisions are necessary for an adequate alternative site analysis: feasibility and location. The EIR should consider alternate project locations if a significant project impact could be avoided or substantially lessened by moving the project to an alternate site.

An alternative site for the proposed project would not be feasible for a number of reasons:

- Many of the same significant environmental impacts associated with the proposed project site would occur at an alternate site (e.g., increased traffic, air quality, and noise impacts)
- There are no other major east-west connectors on the north side of the airport that link an interchange at State Route 99 (a major north-south highway) to Interstate 5 (a major north-south interstate) capable of accommodating the amount of east-west traffic anticipated on the project corridor.
- Locating the proposed project on an alternative east-west connector that doesn't link the airport, State Route 99 and Interstate 5 would not achieve the purpose and need of the project.

Besides being inconsistent with project objectives of improving regional east-west circulation in south Stockton, improving traffic operations at the Interstate 5/French Camp Road interchange, improving traffic operations on Interstate 5 and improving traffic operations at the French Camp Road/Manthey Road intersection, improving another east-west road that doesn't link the airport, State Route 99 and Interstate 5

would be inconsistent with City objectives for the circulation network in the project area. The project corridor is the only road connecting the airport with State Route 99 on the east and Interstate 5 on the west that is capable of being widened and improved to accommodate projected traffic volumes. Therefore, a discussion of an alternative site would not be feasible, nor would it meet the "rule of reason" under CEQA. This alternative was eliminated from further consideration in this EIR.

Project Alternatives

No-Build/No Project Alternative

Section 15126.6(e)(4) of the CEQA Guidelines requires the evaluation of the No Build/No Project Alternative. This alternative assumes that the project site remains as currently developed and with the current intersections and roadway design.

The No Build/No Project Alternative would not achieve any of the objectives established for the proposed project. The No-Build/No Project Alternative represents the "status quo," or maintaining the project site in its current state, consisting of unsignalized intersections at the Interstate 5 ramps at French Camp Road, no railroad grade separation and no direct connection from State Route 99 to Interstate 5.

Under the No Build/No Project Alternative, the Interstate 5/French Camp Road interchange, Sperry Road, and Manthey Road would remain as they are. Continued and perhaps increased maintenance of the existing roadways would remain a factor in their use and expense of operation. Traffic is projected to increase substantially because of the anticipated and planned growth of the area. An increasing number of vehicles would continue to use the existing local and regional circulation routes. Therefore, the level of service in the project area would decline over time to unacceptable levels, and future safety issues would likely arise. The No-Build Alternative does not meet the project's stated purpose and need, which is to improve local and regional circulation—in particular within the South Stockton Planning Area and between Interstate 5, State Route 99, and the Stockton Metropolitan Airport.

Compared to the Build Alternatives, the No Build/No Project Alternative does not meet the purpose and need for the project and would result in substantial traffic congestion and operational problems (such as back-ups onto Interstate 5).

Findings

The City of Stockton hereby finds that the No Build/No Project Alternative is infeasible for the following environmental, economic, and social considerations:

- All of the significant impacts identified with proposed project implementation would be eliminated with this alternative. Beneficial impacts of the proposed project, such as improving local and regional circulation, improving route continuity, reducing travel time and delay, improving freeway operations, and improving traffic safety, would not occur. In the areas of traffic and air quality, impacts of the No

Build/No Project Alternative would be greater overall than with the proposed project because the proposed project would improve traffic and thereby reduce air quality impacts associated with congestion.

- Failure to connect Sperry Road and French Camp Road would occur under the No Build/No Project Alternative. Since the proposed project is identified in the City General Plan, this alternative would be inconsistent with the City's General Plan.
- Implementation of the No Project/No Build Alternative would not meet the project objectives of improving east-west circulation in the southern part of the City. Improved circulation is necessary for the continued development of the City's airport as a major facility.

Interchange Alternative 1: Partial Cloverleaf Interchange with Northbound Loop On-Ramp

Interchange Alternative 1 { TC "Figure 3-3" \f F \l "1" }would widen the existing diamond interchange with a new northbound loop on-ramp in the southeast quadrant of the interchange. Interchange Alternative 1 would widen the ramps along the existing alignment. The southbound off-ramp would consist of two lanes that would widen to four lanes, with three lanes turning left. The number three lane would be an optional left/through/right-turn lane. The southbound on-ramp would be widened for the high-occupancy-vehicle bypass lane, which would require lengthening the ramp. The ramp lengthening and widening would require realignment of the frontage road (Manthey Road) at its intersection with Yettner Road. This interchange alternative was withdrawn from further consideration because it would not provide as much capacity as Interchange Alternative 6.

Findings

The City of Stockton hereby finds that the Interchange Alternative 1: Partial Cloverleaf Interchange with Northbound Loop On-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not eliminate any of the significant impacts identified with proposed project and this alternative would not provide as much capacity as Interchange Alternative 6.

Interchange Alternative 2: Diamond Interchange

Interchange Alternative 2 { TC "Figure 3-4)" \f F \l "1" }would modify the existing diamond interchange by realigning the southbound on- and off-ramps to accommodate left turns from French Camp Road onto the northbound on-ramp. The southbound off-ramp would be widened to four lanes at the French Camp Road intersection, with three of the four lanes leading to left turns. The northbound on-ramp would be widened to three lanes. This interchange alternative was withdrawn from further consideration because of unacceptable Levels of Service E and F at project intersections in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 2: Diamond Interchange is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

Interchange Alternative 3: Partial Cloverleaf Interchange with Southbound Loop On-Ramp

Interchange Alternative 3 { TC "Figure 3-5" \f F \l "1" }would modify the existing diamond interchange with a new southbound loop on-ramp in the northwest quadrant of the interchange. The southbound off-ramp would be realigned opposite Manthey Road and widened to four lanes, with three of the lanes leading to left turns. The northbound on-ramp would be widened to three lanes, as described in Interchange Alternative 2. This alternative was withdrawn from further consideration because of an unacceptable Level of Service F at project intersections in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 3: Partial Cloverleaf Interchange with Southbound Loop On-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

Interchange Alternative 4: Partial Cloverleaf Interchange with Southbound Loop Off-Ramp

Interchange Alternative 4 includes a southbound loop off-ramp in the southwest quadrant and is similar to Alternative 2 on the east side. The southbound on-ramp would be realigned around the loop ramp. The northbound off-ramp would be relocated opposite Val Dervin Parkway. Interchange Alternative 4 was withdrawn from further consideration because of an unacceptable Level of Service F at the French Camp Road/Sperry Road intersection in year 2025 during the PM peak hour.

Findings

The City of Stockton hereby finds that the Interchange Alternative 4: Partial Cloverleaf Interchange with Southbound Loop Off-Ramp is infeasible for the following environmental, economic, and social considerations:

- This alternative would not provide adequate capacity to accommodate the projected volumes of traffic in year 2025. This alternative also would not eliminate any of the significant impacts identified with proposed project.

Interchange Alternative 5: Single Point Diamond Interchange

Interchange Alternative 5 would require three southbound left-turn lanes at the southbound off-ramp intersection, as would all alternatives except Interchange Alternative 4. This alternative has an acceptable Level of Service D or better at the French Camp Road intersections, but is not superior to Interchange Alternatives 1 and 6. Interchange Alternative 5 would require replacing the existing Interstate 5 structures and lowering French Camp Road at the undercrossing for vertical clearance. Interchange Alternative 5 was withdrawn from further consideration because of high costs (approximately 67 percent more than Interchange Alternative 1).

Findings

The City of Stockton hereby finds that the Interchange Alternative 5: Single Point Diamond Interchange is infeasible for the following environmental, economic, and social considerations:

- Although this alternative would provide adequate capacity to accommodate the projected volumes of traffic in year 2025, the cost of this alternative is substantially higher than any other alternative and the benefits do not outweigh the increased costs. This alternative also would not eliminate any of the significant impacts identified with proposed project.

Sperry Road Alternatives

Three alignments for the Sperry Road extension were studied in the various technical studies. Each alignment included constructing bridges over the railroads, local streets, and French Camp Slough. Each alignment was evaluated in terms of design considerations, number of buildings affected, biological resources, and cultural resources. The proposed project was selected for analysis in the draft environmental document because it would cost less than the two other alternatives and would result in fewer right-of-way and environmental impacts than the other alternatives.

The Sperry Road Extension North alignment was withdrawn from further consideration because of impacts to recently constructed buildings in the industrial park located in the northeast quadrant of the interchange that could be avoided if the proposed project alignment of Sperry Road was chosen.

The Sperry Road Extension South alignment was withdrawn from further consideration because of impacts to a farm complex along the alignment that could be avoided if the proposed project alignment of Sperry Road was chosen.

Manthey Road Alternatives

Two alternatives were considered for the Manthey Road relocation in the various technical reports. They both share the same alignment and features north of French Camp Road. They would relocate the Manthey Road intersection west between Yettner Road and Henry Long Boulevard to create a new intersection with French Camp Road.

The Manthey Road Relocation North alignment was withdrawn from consideration because of concerns expressed by residents along Yettner Road that the road improvements would be too close to their properties.

Conclusion

The preceding section describes a range of reasonable alternatives to the proposed Project that could attain some of the basic objectives (also referred to as Project purpose) of the Project, and describes the comparative environmental advantages and disadvantages of these alternatives. CEQA Guidelines call for identification of the environmentally superior alternative other than the No Project alternative. Based on the comparative analysis results described above, it has been determined that the proposed Project would be the "environmentally superior" alternative.

After consideration of this reasonable range of identified alternatives to the Project, the City Council finds that none is as beneficial to the community as the proposed Project in terms of achieving the goals and objectives set forth in the General Plan and identified in the Final EIR/EA.

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

Section 15093 of the CEQA Guidelines requires the public agency "to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'". This is known as a Statement of Overriding Considerations. The Statement of Overriding Considerations may be made where changes or alterations in the project which would avoid or substantially lessen the significant environmental effects, are within the responsibility and jurisdiction of another public agency, or where specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives infeasible.

The City Council has carefully balanced the benefits of the Project against the adverse impacts and residual impacts identified in the Draft EIR/EA and Final EIR/EA. Notwithstanding the identification and analysis of impacts which are identified herein as being significant but which have not been eliminated, lessened or

mitigated to a level of less than significant, the City Council, acting pursuant to CEQA and the CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and remaining residual impacts, and that the Project should be approved.

Unavoidable Significant Adverse Impacts

The City of Stockton is proposing to approve the proposed project and certify the EIR as required by CEQA. The EIR identified significant impacts that can be reduced to a less-than-significant level by implementation of recommended mitigation measures. All significant impacts can be mitigated to a less-than-significant level. No impacts were identified as significant and unavoidable.

Findings

The City Council has fully considered the discussion and analyses in the Record regarding the environmental impacts, socioeconomic effects, cumulative impacts, growth-inducing impacts, and irreversible and irretrievable commitments of resources related to the Project. The City Council finds that the Project will provide numerous economic, social, environmental, and other benefits to the south Stockton area and the City as a whole, which override any unavoidable significant adverse impacts of the Project. The City Council further finds that the alternatives to the Project set forth in the EIR/EA and summarized above in these findings are infeasible because such alternatives would limit the social, economic and other benefits of adoption and implementation of the Project as described above and which are further described below, and are therefore outweighed by them. Therefore, pursuant to Public Resources Code Section 21081(c) and the CEQA Guidelines, the City Council makes the following Statement of Overriding Considerations and findings in support thereof:

The City Council concludes that it is prepared to accept the risks of the unavoidable adverse environmental consequences identified in the Draft EIR/EA, the Final EIR/EA, and these Findings for the following reasons:

- The proposed Project will fulfill goals and policies of the City General Plan.
- The proposed Project, in combination with the mitigation measures adopted in these Findings, will contribute to the physical and economic vitalization of the south Stockton area and the Stockton Municipal Airport, which currently suffers from underutilization. The proposed Project will benefit both the Project area and the City as a whole by providing employment opportunities for City residents.
- The proposed Project, in combination with the mitigation measures adopted in these Findings, will contribute to a reduction in the amount of non-residential traffic going through the neighborhoods in the Project area.
- The proposed Project will contribute to the image and attractiveness of south Stockton and the Interstate 5/French Camp Road interchange.
- The proposed Project will improve the traffic and circulation on the Interstate.
- The proposed Project will facilitate the reuse of several properties in the Project area.

- The proposed Project will result in short-term or temporary impacts during construction such as increased noise, traffic detours, and dust; however, the City has identified feasible mitigation measures that would reduce and minimize these impacts to the maximum extent feasible, and these impacts are temporary and not long-term impacts.

CONCLUSION

The City Council has determined that any remaining significant effects on the environment attributable to the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project that are found to be unavoidable, irreversible, or not substantially mitigated are acceptable due to the overriding considerations set forth in this Statement of Overriding Considerations. Based on these detailed Findings, which require the implementation of specified mitigation measures and monitoring programs, the overall finding is made that economic and social considerations outweigh the remaining environmental effects of adoption and implementation of the Project and the Project's implementation will represent a net positive impact on the City. Based upon such considerations after a comprehensive analysis of all of the underlying planning and environmental documents, the City Council concludes that the Project should be approved and implemented, taking into account the future significant environmental consequences identified in the Draft EIR/EA, Final EIR/EA, and these Findings.

This Statement of Overriding Considerations is based on substantial evidence throughout the Record.

ENVIRONMENTAL MITIGATION MONITORING AND REPORTING PROGRAM FOR THE INTERSTATE 5/FRENCH CAMP ROAD INTERCHANGE AND SPERRY ROAD EXTENSION PROJECT

SECTION 1: AUTHORITY

This Environmental Mitigation Monitoring and Reporting Program has been prepared pursuant to Section 21081.6 of the California Environmental Quality Act, known as CEQA (Public Resources Code Section 21000 et seq.), to provide for the monitoring of mitigation measures required of the Interstate 5/French Camp Road Interchange and Sperry Road Extension Project, as set forth in the Final Environmental Impact Report/Environmental Assessment (Final EIR/EA) prepared for the project. This report will be kept on file in the offices of the City of Stockton Community Development Department, 345 North El Dorado Street, Stockton, CA 95202-1997, phone (209) 937-8266, hours: Monday–Friday 8 A.M.–12 P.M. and 1 P.M.–5 P.M.

SECTION 2: MONITORING SCHEDULE

Prior to the issuance of grading and building permits, while detailed plans, specification and estimate are being prepared for approval by City and Caltrans staff, City staff will be responsible for ensuring compliance with mitigation monitoring and reporting applicable to the project design phase. City staff will prepare or cause to be prepared reports identifying compliance with mitigation measures. Once construction has begun and is underway, monitoring and reporting of the mitigation measures associated with construction will be included in the responsibilities of designated City staff, which shall prepare or cause to be prepared reports of such monitoring no less than once a month until construction has been completed. Once construction has been completed, the City will monitor the project as deemed necessary.

SECTION 3: CHANGES TO MITIGATION MEASURES

Any substantive change in the monitoring and reporting plan made by City staff shall be reported in writing to the Environmental Administrator. Reference to such changes shall be made in the monthly/yearly Environmental Mitigation Monitoring Report prepared by City staff. Modifications to the mitigation measures may be made by City staff subject to one of the following findings, documented by evidence included in the record:

a. The mitigation measure included in the Final EIR/EA and the Mitigation Monitoring and Reporting Program is no longer required because the significant environmental impact identified in the Final EIR/EA has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

b. The modified or substitute mitigation measure to be included in the Mitigation Monitoring and Reporting Program provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final EIR/EA and the Mitigation Monitoring and Reporting Program;

AND

The modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered by the Community Development Director and other responsible hearing bodies in their decisions on the Final EIR/EA and the proposed project;

AND

The modified or substitute mitigation measures are feasible, and the City, through measures included in the Mitigation Monitoring and Reporting Program or other City procedures, can assure their implementation.

SECTION 4: SUPPORT DOCUMENTATION

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the Mitigation Monitoring and Reporting Program and shall be made available to the public upon request.

SECTION 5: FORMAT OF MITIGATION MONITORING AND REPORTING MATRIX

The mitigation monitoring matrix on the following pages is formatted to parallel the format of the CEQA Summary table contained in the EIR/EA. The matrix identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the time frame for monitoring, the responsible monitoring agencies, the findings, and the level of significance after mitigation.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following:

1. a written notification and request for compliance;
2. withholding of permits;
3. administrative fines;
4. a stop-work order;
5. criminal prosecution and/or administrative fines;
6. forfeiture of security bonds or other guarantees; and/or
7. revocation of permits or other entitlements.

CITY OF STOCKTON CEQA FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM

(Pursuant to California Public Resources Code Sections 21081 and 21081.6)

Project Data	*Key*
EIR No.: EIR 8-03 ENVIRONMENTAL IMPACT REPORT **State Clearinghouse No.:** 2003112018	**Abbreviations:** CC City Council PC Planning Commission CDD Stockton Community Development Department MUD Stockton Municipal Utilities Department PWD Stockton Public Works Department PRD Stockton Parks and Recreation Department FD Stockton Fire Department
Property Owner(s): Various **Project Applicant:** City of Stockton **Contact Person:** Mark Martin, Project Manager III **Address:** 345 North El Dorado Street, Stockton, CA 95202-1997 **Phone:** (209) 937-8569	Impact statements are provided in ***bold/italics*** for each applicable environmental issue area.
Project Title: Interstate 5/French Camp Road Interchange and Sperry Road Extension Project **Project Description/Location:** The City of Stockton is the CEQA lead agency for the preparation of an Environmental Impact Report (EIR 8-03) for the Interchange 5/French Camp Road Interchange and Sperry Road Extension project located in the southwest area of the City of Stockton. The proposed project would modify the Interstate 5/French Camp Road interchange, extend Sperry Road from its intersection with Performance Drive to Interstate 5, and relocate the French Camp Road/Manthey road intersection between Henry Long Boulevard and Yettner Road. The purpose of the project is to improve local and regional circulation, in particular within the South Stockton Planning Area and between Interstate 5, State Route 99, and the Stockton Metropolitan Airport.	

Findings and Level of Significance after Mitigation

On the basis of the record, prior to approving a project, the decision making body of the lead agency shall consider the proposed environmental impact report together with any comments received during the public review process. The decision making body shall adopt the proposed environmental impact report only if it finds on the basis of the while record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Environmental Impact Report reflects the lead agency's independent judgment and analysis.

The level of significance of each impact after mitigation is listed as follows:

SU = Significant and Unavoidable; PS = Potentially Significant; LTS = Less than Significant; NS = Not Significant

Findings:

1 = Mitigation incorporated into project
2 = Mitigation is the responsibility of another agency
3 = Mitigation infeasible or inadequate to reduce the level of impact to LS, Statement of Overriding Considerations Required

Mitigation Monitoring and Reporting Program

This section describes the mitigation reporting program established for the above-described project pursuant to Section 21081.6 of the Public Resources Code. This program consists of the following steps:

a. The CDD shall utilize the Mitigation Monitoring and Reporting Program as a checklist of mitigation measures to be implemented for the project. Implementation of the applicable measures shall be included as a condition of all applicable discretionary approvals, improvement plans, and/or construction permits.

b. The project applicant (i.e., owner, developer, originating City department, or other responsible agency, as applicable) and/or successors-in-interest shall file a written report with the CDD, which will monitor the implementation of required mitigation measures. Similarly, any public agency having jurisdiction over natural resources affected by the project shall monitor and report upon the implementation of any mitigation measures incorporated at their request. Such written report(s) shall be submitted to the CDD approximately once every twelve (12) months following approval of improvement plans and/or construction permits. The written report shall briefly state the status in implementing each adopted mitigation measures.

c. The CDD shall review the monitoring report(s) and determine whether there is any unusual and substantial delay in, or obstacle to, implementing the adopted mitigation measures. In reviewing the timelines of implementation, the CDD shall consider any timetable for the project and the required mitigation measures provided by the applicant and/or other responsible agency, as applicable. The CDD and other City departments may, to the extent deemed necessary, use scheduled inspection to monitor implementation.

d. The result of the CDD's review of the annual report(s) will be provided to the project applicant in writing within thirty (30) calendar days after receipt of the annual report. If the CDD determines that a required mitigation measure is not being properly implemented, it shall consult with the project applicant and, if possible, agree upon additional actions to be taken to implement the mitigation measure(s).

The CDD shall be limited to imposing reasonable action as permitted by law, which will implement the required mitigation measures. Any decision of the CDD Director related to the annual monitoring report may be appealed to the City PC and/or CC, as applicable, within ten (10) calendar days following said written determination.

Such monitoring and reporting shall continue until the CDD, in consultation with the other applicable City departments, determines that compliance has been fully achieved or, for ongoing measures (e.g., maintenance of facilities), determines that existing enforcement procedures related to conditions of approval will provide adequate verification.

Lead Agency:
CITY OF STOCKTON
c/o Community Development Department/Planning Division
345 North El Dorado Street
Stockton, CA 95202
(209) 937-8598

The following discussion is intended to present information on the project that is relevant to impact significance and mitigation measures required to reduce project impacts. Only those environmental issue areas from the EIR/EA (Land Use; Community Impacts; Utilities/Emergency Services; Traffic and Transportation/Pedestrian and Bicycle Facilities; Visual Resources/Aesthetics Cultural Resources; Hydrology, Floodplain, and Water Quality; Hazardous Waste/Materials; Air Quality; Noise; Wetlands and Other Waters of the United States; Vegetation and Wildlife Communities; and Special-Status Species) that have potentially significant impacts as a result of project implementation, and include mitigation measures accordingly, have been included. All other environmental issue areas are either not impacted by the project, or have less than significant impacts and do not require mitigation.

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
3.1 Land Use						
Impact 3.1-4	***Indirect, short-term land use effects from construction activities***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.1-4 Businesses and residences affected by traffic disruptions would be notified at least one week in advance of any lane or road closures and effects related to access. Emergency response personnel, such as fire protection and law enforcement personnel, would be notified one to two weeks in advance of any lane or road closures so that alternate routes could be taken. A project Traffic Management Plan would be developed and implemented to manage traffic and minimize delays during construction.	Construction contracts	1, LTS Rationale:	
3.4 Community Impacts						
Impact 3.4-2	***Temporary disruption of businesses during construction activities***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.4-2 Implement MM 3.6-6 (Implement traffic control measures to reduce disruption of traffic patterns during construction activities).	Construction contracts	1, LTS Rationale:	
Impact 3.4-3	***Commercial relocations***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.4-3 The City would prepare a Relocation Plan to compensate for direct land use effects a minimum of 90 days prior to initiating construction. A local certified public agency must carry out the relocation plan to help eligible displaced people move with as little inconvenience as possible. All rights and services provided under the Uniform Relocation Assistance Act must be strictly adhered to. People displaced as a result of the proposed project would receive fair and equitable treatment and would not suffer disproportionate injuries. Relocation resources would be made available to all commercial and residential displacees without discrimination. Appraisals to determine actual market value would be conducted for each property to be relocated once a final alignment has been selected and the environmental { TC "environmental impact statement/environmental impact report (EIS/EIR" \f A \l "1" }document for the proposed project is certified.	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
3.5 Utilities / Emergency Services						
Impact 3.5-1			***Temporary disruption of utility services in the project area during construction***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.5-1 a. The project would be designed to minimize conflicts with utilities in the project area. The project would include relocation of those utilities that would become inaccessible for maintenance or access purposes as a result of the project. b. The contractor would be required to provide notification to utility users of any short-term, limited interruptions in service. c. If unexpected underground utilities were encountered, the construction contractor would coordinate with the utility provider to develop plans to address the utility conflict, protect the utility if needed, and limit service interruptions. d. The project would be designed to minimize interruptions in water service. Any interruptions would be coordinated in advance with the City of Stockton Municipal Utilities Department and OMI-Thames Water, Inc.	Construction contracts	1, LTS Rationale:	
Impact 3.5-2			***Potential temporary disruptions of law enforcement, fire protection, and emergency medical services during construction activities***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.5-2 To avoid and minimize any potential disruptions in traffic during construction of the project, a Traffic Management Plan will be prepared and implemented.	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
3.6 Traffic and Transportation / Pedestrian and Bicycle Facilities						
Impact 3.6-3	***Increased traffic congestion at the French Camp Road/Sperry Road intersection***					
PWD	Director	Prior to issuance of grading permits	MM 3.6-3 The City would construct the Reduced-Build Alternative and delay construction of the Full-Build Alternative until Interstate 5 is widened to eight lanes from French Camp Road to north of the Downing Avenue interchange. The City would widen the Sperry Road approaches of the Sperry Road/French Camp Road intersection to four through lanes in each direction in conjunction with the future widening of Interstate 5 to eight lanes from French Camp Road to north of the Downing Avenue interchange.	Construction contracts	1, LTS Rationale:	
Impact 3.6-4	***Increased traffic volumes at the Interstate 5/French Camp Road interchange***					
PWD	Director	Prior to issuance of grading permits	MM 3.6-4 The City would construct the Reduced-Build Alternative and delay construction of the Full-Build Alternative until Interstate 5 is widened to eight lanes from French Camp Road to north of the Downing Avenue interchange.	Construction contracts	1, LTS Rationale:	
Impact 3.6-5	***Increased traffic volumes on Interstate 5 in Year 2025***					
PWD	Director	Prior to issuance of grading permits	MM 3.6-5 The City would construct the Reduced-Build Alternative and delay construction of the Full-Build Alternative until Interstate 5 is widened to eight lanes from French Camp Road to north of the Downing Avenue interchange.	Construction contracts	1, LTS Rationale:	
Impact 3.6-6	***Temporary disruption of traffic patterns and emergency services during construction***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.6-6 The City would implement the following measures to reduce construction-related traffic impacts: a. The City would require the contractor to prepare and implement a traffic management plan that would identify the locations of temporary detours and signage to facilitate local traffic patterns and through-traffic requirements. On French Camp Road and Sperry Road, one lane in each direction would be kept open at all times during construction.	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			b. The Project Special Provisions of the highway contract would require that emergency service providers (i.e., law enforcement, fire protection, and ambulance services) be given adequate advance notice of any street closures during the construction phases of the proposed project. c. Construction activities would be coordinated to avoid blocking or limiting access to homes, businesses, and agricultural properties to the extent possible. Residents and farmers would be contacted and advised about potential access or parking effects before construction activities begin. d. Any interchange, ramp, or road closures required during construction would, to the extent possible, be limited to nighttime hours to reduce effects on businesses in the study area. e. Construction activities would be coordinated to avoid blocking or limiting access to businesses located along French Camp Road, Manthey Road, El Dorado Street, McKinley Street, Sperry Road—or in the Grupe Business Park during business hours. Businesses would be contacted and advised concerning construction activities before construction begins near businesses. f. The traffic management plan would address short-term disruptions in existing circulation patterns during construction; for example, the traffic management plan would identify the locations of temporary detours or temporary roads to facilitate local traffic circulation and through-traffic requirements. g. A parking plan to accommodate construction equipment and construction workers would be prepared and incorporated into the final project design. For each construction phase, the parking plan would identify sites for construction parking to avoid effects on local business parking areas. The parking plan would be attached to the final design plans and would be implemented by the construction contractor selected for the proposed project.			
Impact 3.6-7			***Potential traffic impacts if construction were staged such that the Sperry Road Extension were constructed and opened to traffic prior to completion of the Interstate 5/French Camp Road interchange improvements***			
PWD	Director	Prior to issuance of grading permits	MM 3.6-7 The City would refrain from opening the Sperry Road Extension to traffic prior to the completion of planned improvements to the I-5/French Camp Road interchange.	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
Impact 3.6-8			***Potential traffic impacts if construction were staged such that the Interstate 5/French Camp Road interchange improvements were constructed prior to the Sperry Road Extension***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.6-8 The City would mitigate these impacts by constructing the following minimum improvements to the I-5/French Camp Road interchange: • Construct mainline auxiliary lanes between the Downing Avenue and French Camp Road interchanges in both directions. • Relocate Manthey Road west to align with the proposed major driveway location for the French Camp Road Power Center (i.e., approximately 330 meters west of its existing location). • Widen French Camp Road to two lanes in each direction between Val Dervin Parkway and relocated Manthey Road. • Signalize all four intersections and provide signal system interconnect. • Improve the French Camp Road/Val Dervin Road intersection as follows: o Exclusive eastbound and westbound left-turn lanes o Exclusive southbound right-turn lane • Improve the French Camp Road/I-5 northbound ramps intersection as follows: o Dual eastbound left-turn lanes o Two westbound right-turn lanes, one exclusive and one shared • Improve the French Camp Road/I-5 southbound ramps intersection as follows: o Exclusive eastbound right-turn lane o Two southbound right-turn lanes, one exclusive and one share • Improve the French Camp Road/Relocated Manthey Road intersection as follows: o Exclusive eastbound and westbound left-turn lanes o Dual southbound left-turn lanes o Exclusive left, through, and right-turn lanes for the northbound approach o Two westbound right-turn lanes, one exclusive and one shared	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
3.7 Visual Resources / Aesthetics						
Impact 3.7-1			***Permanent changes in grade and topography from reconstruction of the Interstate 5/French Camp Road interchange and the Sperry Road extension***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.7-1 The City should prepare and implement a mitigation plan that should include (1) replacement of any existing native tree that is removed, using planting ratios identified in the biology study{ TC "Natural Environment Study (NES" \f A \l "1" } prepared for the proposed project; and (2) replacement of any landscaping tree removed by the proposed project with appropriate species, in accordance with City policies and ordinances.	Construction contracts	1, LTS Rationale:	
Impact 3.7-2			***Permanent visual changes resulting from vegetation removal for widening Interstate 5 across French Camp Slough and constructing the Sperry Road extension***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.7-2 The City should replace oak trees that are removed, in accordance with City and County tree ordinance requirements, which require replacement of removed trees at a fixed ratio. City and County tree ordinance requirements should be coordinated with the habitat replacement requirements identified in the biology study prepared for the proposed project.	Construction contracts	1, LTS Rationale:	
3.8 Cultural Resources						
Impact 3.8-1			***Possible damage to, or destruction of, previously unidentified, buried cultural resources.***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.8-1 If cultural materials were discovered during construction, all earth-moving activity within and around the immediate discovery area would be diverted until a qualified archaeologist can assess the nature and significance of the find. If human remains were discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities would cease in any area or nearby area suspected to overlie remains, and the County Coroner would be contacted. Pursuant to Public Resources Code Section 5097.98, if the remains were thought to be Native American, the coroner would notify the Native American Heritage Commission, who will then notify the Most Likely Descendent. At this time, the person who discovered the remains would contact the City of Stockton Public Works Department so that they may work with the Most	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			Likely Descendent on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.			
3.9 Hydrology, Floodplain and Water Quality						
Impact 3.9-2			***Potential long-term degradation of water quality from increased volume of storm water runoff.***			
PWD	Director	Prior to issuance of grading permits and construction	MM 3.9-2 The following measures would be implemented: a. All "in-water" work would comply with the water pollution protection provisions of Section 7-1.01G of Caltrans standard specifications, as well as with all conditions contained in regulatory permits. b. The project would be designed to incorporate the following water quality and watershed protection principles into the design: 1. Minimize the amount of impervious surfaces and directly connected impervious surfaces where feasible to maximize onsite infiltration of runoff. 2. Implement pollution prevention methods supplemented by pollutant source controls and treatment. Where practical, use strategies that control the sources of pollutants or constituents (the point at which water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite. 3. Preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors and buffer zones. 4. Limit disturbances of natural water bodies and natural drainage. c. During final design, the City would require the preparation of a drainage report for the project area. A registered civil engineer would prepare the drainage report prior to construction. The drainage system would be designed to meet standards in the Stockton Municipal Code, City Public Works Department Standard Specifications (current edition), City Model Storm Water Pollution Prevention Plan for Construction Activities, and City Model Storm Water Pollution Prevention Plan for Industrial Activities. The report would include the following items:	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			1. An accurate calculation of predevelopment runoff conditions and post development runoff scenarios would be conducted using appropriate engineering methods. This analysis would accurately evaluate potential changes to runoff through specific design criteria. The model would account for increased surface runoff systems. 2. An assessment of existing drainage facilities within the project area and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation. 3. A description of the proposed maintenance program for the onsite drainage system. 4. Standards for drainage systems to be installed on a project-specific basis.			
Impact 3.9-3	***Temporary degradation of water quality due to discharges of runoff from construction activities***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.9-3 a. Pursuant to the City's Grading and Erosion Control Ordinance, the project is required to obtain a Grading and Erosion Control Permit. The permit requires the following: 1. A Notice of Intent must be prepared and submitted to obtain proper coverage under the State Construction General Permit. 2. The contractor would be required to prepare a site-specific Storm Water Pollution Prevention Plan for the project to protect receiving waters from pollution. The Storm Water Pollution Prevention Plan would address reduction of excessive erosion and sedimentation caused by construction activities, prevention of offsite contamination from construction materials used at the site, and reduction of storm water discharges from the construction site. It also would describe appropriate measures to reduce impacts on waterways resulting from the roadway. The Storm Water Pollution Prevention Plan would include the following Best Management Practices: a. Infiltration systems, including buffer strips and—where applicable—swales, would be provided to percolate storm water runoff from small storms into	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			the ground rather than discharge it to a surface water body. b. A specified work schedule would be provided to coordinate the timing of land-disturbing activities and the installation of erosion and sedimentation control practices to reduce onsite erosion and offsite sedimentation. For example, construction in the active flow channels would be limited to the low-flow seasons. c. If dewatering is required for construction, discharge of pollutants to storm water from dewatering operations would be prevented or reduced through the use of sediment controls and by testing the groundwater for pollution. Sediment-laden water would be filtered before it is discharged offsite from a dewatering operation. This Best Management Practice is also used to prevent discharge of water contaminated by petroleum products or other toxic materials into storm drains. d. Existing vegetation along French Camp Slough would be preserved to the extent feasible for erosion and sediment control. e. Permanent seeding and planting would be completed to establish a permanent perennial vegetative cover over areas that have been disturbed by construction to reduce erosion by slowing runoff velocities, enhancing infiltration and transpiration, trapping sediment and other particulates, and protecting soil from raindrop impact. f. Earth dikes, drainage swales, and ditches would be provided to intercept, divert, and convey surface runoff and sheet flow; prevent erosion; and reduce pollutant loading. Specific areas that may need such measures would be identified on the construction drawings and would be used to: a. Convey surface runoff down sloping land; b. Intercept and divert runoff and avoid sheet flow over sloped surfaces;			

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			c. Direct runoff toward a stabilized watercourse, drainage pipe, or channel; d. Prevent runoff from accumulating at the base of the grade; and e. Avoid flood damage along roadways and around facility improvements. g. Physical devices would be placed at outlets of pipes and channels to reduce the velocity or the energy of exiting water. h. For pier construction work conducted in French Camp Slough, the project contractors would implement the following Best Management Practices: a. Locate staging areas away from the stream bank; and b. Conduct all in-water work behind cofferdams, sheet piling, or other containment facilities to control discharges of construction runoff. b. The Contractor would develop and implement a spill prevention and control program to minimize the potential for—and effects from—spills of hazardous, toxic, or petroleum substances during construction of the project. The program would be a component of the Storm Water Pollution Prevention Plan, which would be completed before any construction activities begin. c. If a spill is reportable under federal, state, or local regulations, the Contractor would notify the County Office of Environmental Services and California Department of Toxic Substances Control, which has spill response and cleanup ordinances to govern emergency spill response. A written description of reportable releases would be submitted to the Regional Water Quality Control Board. This submittal would include a description of the release, including the type of material and an estimate of the amount spilled; the date of the release; an explanation of why the spill occurred; and a description of the steps taken to prevent and control future releases. The releases would be documented on a spill report form.			

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3.11 Hazardous Waste/Materials						
Impact 3.11-1	***Potential disturbance of a known contaminated site during construction activities for Sperry Road.***					
PWD	Director	Prior to issuance of a grading permits and during construction	MM 3.11-1 Surface asbestos cleanup and landfill and surface impoundment capping were implemented and completed in 1996 for Waste Management Unit-E, which could be affected by construction for Sperry Road. The closure plan required capping with a one-foot thick cap of clean soil. The City would require that no construction activities (road and utilities) in the area of Waste Management Unit-E exceed the depth of the clean soil cap. The City also would prohibit use of the site as a staging area for construction.	Construction contracts	1, LTS Rationale:	
Impact 3.11-2	***Possible exposure of construction workers to hazardous materials if unknown hazardous materials are discovered during construction.***					
PWD	Director	Prior to the issuance of grading permits and construction	MM 3.11-2 If, at any time during construction of the proposed project, evidence of soil or groundwater contamination by hazardous materials were encountered, the City would require the contractor to stop work in the affected area immediately. If any subsurface structures were encountered during construction, care would be exercised in determining whether the subsurface structures contain asbestos. If they contain asbestos, they would be removed, handled, transported, and disposed of in accordance with local, state, and federal laws and regulations. Construction activities in the affected area would remain stopped until the contamination problem has been resolved to the satisfaction of the City, San Joaquin County Department of Environmental Health, and the Regional Water Quality Control Board.	Construction contracts	1, LTS Rationale:	
Impact 3.11-3	***Potential for spill of hazardous materials during construction activities.***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.11-3 The contractor would prepare and implement a hazardous materials control and spill response plan to reduce the potential for impacts on aquatic life from spills of hazardous materials during construction. The contractor would submit the plan to the City, Caltrans, and the San Joaquin County Department of Environmental Health for review and approval 60 days prior to initiating construction activities. The plan would control the use of hazardous materials, such as but would not be limited to, the following measures: petroleum-based products used in heavy equipment and other potentially toxic materials used during	Construction contracts	1, LTS Rationale:	

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			construction. The plan would include: a. Prevent raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil, or other petroleum products, or any other substances that could be hazardous to aquatic life from contaminating the soil or entering watercourses. b. Establish a spill prevention and countermeasure plan before project construction begins, including strict onsite handling procedures to keep construction and maintenance materials from entering drainages and waterways. c. Clean up all spills immediately according to the spill prevention and countermeasure plan, and notify the California Department of Fish and Game immediately of any spills and the cleanup procedures used. d. Provide staging and storage areas outside the stream's normal high-water area for equipment, materials, fuels, lubricants, solvents, and other possible contaminants. e. Remove vehicles from the normal high-water area of the stream before refueling and lubricating. f. Prohibit operation of equipment in flowing water except as necessary to construct barriers.			
Impact 3.11-4	***Possible exposure of construction workers to soil contaminated with lead and pesticides or other hazardous materials***					
PWD	Director	Prior to issuance of grading permits and construction	MM 3.11-4 a. During final design, shallow surface soil samples would be collected in the areas of the proposed project to evaluate the potential for contamination from lead- and petroleum-based products and the need for protective measures. In addition, testing and analysis would be conducted to evaluate the impact of local and regional pesticide/herbicide use on the soils. b. During final design, a site investigation will be conducted to determine the exact location of the hazardous waste site near the Interstate 5 southbound off-ramp. Once the site is identified, further investigation, testing and cleanup may be needed.	Construction contracts	1, LTS Rationale:	
Impact 3.11-5	***Possible exposure of construction workers to asbestos and lead paint***					
PWD	Director	Prior to issuance of	MM 3.11-5 a. Prior to any demolition work or upgrading or reconstruction of	Construction contracts	1, LTS Rationale:	

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		grading permits and construction	the Interstate 5/French Camp Slough structures or on-or off-ramps, an asbestos-containing materials survey would be conducted for these structures. The asbestos-containing survey would be performed by an inspector who is Asbestos Hazardous Emergency Response Act-certified under Toxic Substances Control Act Title II and California Occupational Safety and Health Administration-certified under Section 1529 of the California Code of Regulations. Prior to demolition, a notification, along with the results of the asbestos-containing survey, would be submitted to the San Joaquin Valley Unified Air Pollution Control District as part of the permitting process. b. During final design, the City would conduct a lead-based paint survey of any structures that would be relocated or demolished. The survey would identify specific measures to minimize lead-based paint concerns and would identify measures to satisfy regulatory requirements of the San Joaquin Valley Air Pollution Control District.			
3.12 Air Quality						
Impact 3.12-2 No creation of PM10or PM 2.5 hot spots						
PWD	Director	Prior to issuance of grading permits or construction	MM 3.12-2 The City would ensure that all construction activities abide by all applicable San Joaquin Valley Air Pollution Control District Rules and Regulations (including payment of all applicable fees). Current District rules can be found at http://www.valleyair.org. To identify additional rules or regulations that apply to this project, or for further information, the design engineer and contractor are strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446 / (559) 230-5888 / (661) 326-6969. Specific regulations and rules that will reduce the project's impacts include Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081; Rule 4102 (Nuisance), Rule 4103 (Open Burning), and Rule 9510 (Indirect Source Review). Some of the rules stipulate the following: a. All disturbed areas, including storage piles, which are not being actively used for construction purposes, would be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, tarp or other suitable cover or vegetative ground cover. b. All onsite, unpaved roads and offsite, unpaved access roads	Construction contracts	1, LS Rationale:	

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			would be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities would be effectively controlled of fugitive dust emissions by applying water or by presoaking. d. When materials are transported offsite, all material would be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container would be maintained. e. All operations would limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles would be effectively stabilized of fugitive dust emissions using sufficient water or chemical stabilizer/suppressant. g. Within urban areas, trackout would be immediately removed when it extends 50 or more feet from the site and at the end of each workday. h. Any site with 150 or more vehicle trips per day would prevent carryout and trackout.			
Impact 3.12-3	***Generation of PM10 emissions during construction***					
PWD	Director	Prior to issuance of grading permits and during construction	MM 3.12-3 The City would ensure that all project design and construction activities abide by current San Joaquin Valley Air Pollution Control District Rules and Regulations, including Rule 8061—Fugitive Dust Requirements for Control of Fine Particulate Matter (PM10) from Paved and Unpaved Roads. a. The contractor would prepare a Fugitive PM10 Management Plan and submit the plan to the San Joaquin Valley Air Pollution Control District for review and approval 60 days prior to initiating construction activities.	Construction contracts	1, LTS Rationale:	

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			b. New road design would comply with the American Association of State Highway and Transportation Officials' guidelines for width of shoulders and median shoulders.			
3.13 Noise						
Impact 3.13-1 Exposure of noise-sensitive land uses to project-related traffic noise						
PWD	Director	Prior to issuance of a grading permits and construction	MM 3.13-1 The City may consider using noise-reducing pavement, such as open-graded asphalt or rubberized asphalt, on roadway surfaces in the project area.	Construction contracts	1, LTS Rationale:	
Impact 3.13-2 Temporary noise impacts during construction activities						
PWD	Director	Prior to issuance of a grading permits and during construction	MM 3.13-2 The following measures would be incorporated into contract specifications to minimize construction noise impacts: a. Unless required by Caltrans, no construction would be performed within 305 meters (1,000 feet) of an occupied dwelling unit on Sundays, legal holidays, or between the hours of 9:00 p.m. and 6:00 a.m. on other days. The City would approve any variance from this condition. Where Caltrans requires construction during nighttime hours, construction activity would be staged so that it does not occur over an extended period of time (more than 14 days at a time). b. All construction equipment would have sound-control devices no less effective than those provided on the original equipment. No equipment would have an unmuffled exhaust. c. All construction equipment would conform to the provisions of the Caltrans standard specifications, Section 7-10/l, "Sound Control Requirements." This section requires the contractor to comply with all local ordinances (i.e., City of Stockton and San Joaquin County) that apply to any work as part of the project. d. Portable equipment would be located as far as possible from noise-sensitive locations, as feasible. e. Construction vehicle staging areas and equipment maintenance areas would be located as far as possible from noise-sensitive locations.	Construction contract	1, LTS Rationale:	

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3.14 Wetlands and Other Waters of the United States						
Impact 3.14-1 Loss of approximately 0.005 hectare (0.012 acre) of other waters of the United States and potential indirect loss of wetlands						
PWD	Director	Prior to issuance of grading permits and construction	MM 3.14-1 a. Based on the avoidance and minimization measures identified in this document, the project should qualify for authorization under Nationwide Permits 14, 33, and 43. After the project is approved, the City should apply for permits from the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board. Impacts would be mitigated in accordance with agency requirements to ensure no net loss of wetland acreage or value. b. Before any ground-disturbing activity, the contractor would be required to install a minimum 1.2-meter-tall (4-foot-tall) temporary plastic mesh-type construction fence (Tensor Polygrid or equivalent) to protect biological resources, including delineated wetlands within 76.2 meters (250 feet) of the construction area, drip lines of oak trees, and riparian vegetation. This fencing should protect existing resources and prevent encroachment by construction vehicles and personnel. A qualified biologist would determine the exact location of the fencing with the goal of protecting sensitive biological resources. The fencing would be tightly strung on posts with a maximum 3-meter (10-foot) spacing. The fencing would be installed in a manner that would prevent any equipment from extending into the work area beyond the area necessary to complete the work. The fencing would be checked and maintained weekly until all construction is completed. c. The contractor would prohibit any storage, parking, or construction staging within 76.2 meters (250 feet) of avoided delineated wetlands.	Construction contracts	1, LS Rationale:	
3.15 Vegetation and Wildlife Communities						
Impact 3.15-1 Loss of approximately 10 oak trees and 1 acre of Great Valley oak riparian forest habitat						
PWD	Director	Prior to or during construction	MM 3.15-1 a. The removal of mature native riparian trees, which include willows or cottonwoods that measure 15.2 centimeters (6 inches) diameter at breast height or more, would be avoided along French Camp Slough to the maximum extent possible. b. A qualified restoration ecologist would prepare a plan for	Construction contracts	1, LTS Rationale:	

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			restoring riparian plants. The restoration plan would be prepared as part of the plans, specifications, and estimate. The plan would include restoration of riparian habitat disturbed during construction and enhancement of nearby riparian habitat. Riparian habitat would be enhanced by removing noxious weeds (such as giant reed, yellow star thistle, tree-of-heaven, and poison hemlock) and planting native riparian stock obtained from the project region (such as valley oak trees, cottonwood trees, willows, box elder, wild rose, coyote bush, and wild grape). The restoration plan would be prepared in accordance with the California Department of Fish and Game guidelines and include the following components: 1. Plant species would include riparian trees and shrubs that are native to the San Joaquin Valley and provide optimal habitat coverage to the riparian brush rabbit and riparian woodrat. 2. Native riparian vegetation removed would be replaced at a minimum 1:1 ratio (0.4 hectare [1 acre] restored or created for every 0.4 hectare [1 acre] removed). 3. All plant propagation materials would be collected from the project vicinity. 4. Planting would begin in the first fall/winter season after construction activities are completed along the slough corridor. 5. A temporary irrigation system that would provide deep watering to plants during the short-term establishment period would be installed before planting activities begin. 6. Monitoring of the planted trees would be conducted annually for 5 years, with a goal of 80 percent survival. If less than 80 percent of the replacement trees have survived at the end of the 5-year monitoring period, replanting and an additional 5 years of monitoring would be conducted. A yearly monitoring report would be submitted to the Department of Fish and Game. 7. The restoration plan would describe where and when restoration would occur and who would be responsible for developing, implementing, and monitoring the restoration plan. c. The City would implement the following measures to protect oak trees and compensate for their removal. 1. Before any ground-disturbing activity, the contractor would be			

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			required to install a minimum 1.2-meter-tall (4-foot-tall) temporary plastic mesh-type construction fence (Tensor Polygrid or equivalent) around the driplines of oak trees and riparian vegetation that would not be removed adjacent to the construction area. This fencing should protect existing resources and prevent encroachment by construction vehicles and personnel. A qualified biologist would determine the exact location of the fencing with the goal of protecting sensitive biological resources. The fencing would be strung tightly on posts with a maximum 3-meter (10-foot) spacing. The fencing would be installed in a manner that prevents any equipment from extending into the work area beyond the area necessary to complete the work. The fencing would be checked and maintained weekly until all construction is completed. 2. Before project construction begins, a qualified arborist would survey the project corridor for oak trees to record their accurate location, species, size (diameter at 61 centimeters [24 inches] above actual grade{ TC "diameter at breast height [dbh" \f A \l "1" }), canopy diameter, and condition (living, dead, or dying). This information would be submitted to the City and County for review. The contractor would be required to obtain an approved Improvement Plan application from the San Joaquin County Review Authority for the development of property within County jurisdiction that has any native oak trees, heritage oak trees, or historical trees on the property. Within the limits of the City of Stockton, the contractor would obtain a separate tree-removal permit from the Stockton City Parks and Recreation Department for the development of property that has any living or dead heritage oak trees on or within 15 meters (50 feet) of the project. All permits would be obtained before any construction activities are initiated. 3. The contractor would replace up to approximately 10 individual oak trees removed in the study area according to County and City policies for the protection and preservation of tree resources. Native oak trees, heritage oak trees, and historical trees growing on properties located within County jurisdiction are subject to provisions contained in the San			

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			Joaquin County Development Title Division 15 (Chapter 9, Sections 1505.1–1505.9). Any living or dead heritage oak tree growing on properties within the limits of the City of Stockton are subject to provisions contained in the Stockton Municipal Code (Chapter 5, Part IV, Division 4, Sections 5-037 through 5-041). Valley oak trees located within riparian woodlands in the study area do not require direct replacement because they are addressed under mitigation measures for riparian vegetation. 4. The results of an arborist report and conditions of County and City tree removal permits obtained for the project would be used to determine the exact number of trees that require replacement, in addition to replacement guidelines and constraints. 5. Grading within the driplines of trees not being removed would be avoided wherever feasible. If such grading must occur, replanting mitigation for these indirectly affected trees would be the same as that for removed trees.			
Impact 3.15-3	***Potential for spread of existing noxious weeds or introduction of new noxious weeds***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.15-3 To prevent the introduction of new, non-native exotic plants (weeds) and the spread of weeds previously documented at the project site, the following measures would be implemented during construction: a. In compliance with the Executive Order on Invasive Species, Executive Order 13112, and subsequent guidance from the Federal Highway Administration, the landscaping and erosion control included in the project would not use species listed as noxious weeds. In areas of particular sensitivity, extra precautions would be taken if invasive species were found in or adjacent to construction areas. These include the inspection and cleaning of construction equipment and eradication strategies to be implemented should an invasion occur. b. The project biologist would educate construction supervisors and managers about weed identification and the importance of controlling and preventing the spread of noxious weed infestations.	Construction contracts	1, LTS Rationale:	

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			c. The contractor would minimize surface disturbance and the project footprint to the greatest extent possible. d. All disturbed areas would be seeded with certified weed-free native mixes, as provided in the restoration plan. e. Planting areas would be mulched with certified weed-free mulch. Rice straw may be used to mulch upland areas. f. Native noninvasive species would be used in erosion control plantings to stabilize site conditions and prevent invasive species from colonizing. g. If giant reed (*Arundo donax*) is growing along French Camp Slough within the work area, this species would be mechanically removed from the work area and completely disposed of through chipping (1/2 to 1 inch) or taken to an appropriate disposal facility. To ensure that giant reed is not spread to areas downstream of the work area, the contractor would ensure that the dislodged plant or plant parts do not fall into French Camp Slough. Additional guidelines for Arundo removal can be found in the Southern California Integrated Watershed Program Arundo Removal Protocol, prepared for the Santa Ana Watershed Authority in June 2002. h. Equipment and trucks would be thoroughly washed to remove all dirt and weeds before being transported or driven to the project site. Full compensation for washing equipment and trucks would be considered as included in the contract prices paid for the various items of work involved, and no separate payment would be made therefore. i. The contractor would notify the resident engineer a minimum of 10 days before importing material (including aggregate base or imported material for embankments or shoulder backing) to the project location of the source of the material. Before removal of material or disturbance to the borrow site or stockpile, the engineer would inspect the site or stockpile for the presence of noxious weeds. If noxious weeds were present, as determined by the resident engineer, the contractor would remove 150 millimeters of the surface of the borrow site or stockpile prior to removing and hauling material to the project.			

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			The top 150 millimeters would not be used for the project. Full compensation for doing this work would be considered as included in the contract process paid for the various items of work involved, and no separate payment would be made therefore. j. Only certified weed-free erosion control materials would be used. All mulches and seed material would be certified weed free by the County Agricultural Commissioner before being used at the project site.			
3.16 Special-Status Species						
Impact 3.16-2 Loss of suitable aquatic habitat; however, no impact on suitable upland habitat for giant garter snake						
PWD	Director	Prior to issuance of grading permits	MM 3.16-2 The City will participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and will pay fees for the loss of 12.8 acres of Category C (Agriculture) lands and the loss of 34.8 acres of Category D (Natural Lands). The amount of the fee will be determined at the time the project goes to construction.	Construction contracts	1, LTS Rationale:	
Impact 3.16-3 Loss of nesting and foraging habitat for Swainson's hawk and Cooper's hawk and potential disturbance of nesting Swainson's hawks or removal of occupied nests during construction activities						
MUD	Director	Prior to issuance of grading permits or construction	MM 3.16-3 a. Before construction begins, the City would compensate for the removal of approximately 2.8 hectares (7 acres) of Swainson's hawk foraging habitat. Compensation measures would follow the guidelines provided in the California Department of Fish and Game staff report regarding mitigation of impacts on Swainson's hawk in the Central Valley (California Department of Fish and Game 1994). Based on the location of the nearest recorded nest site (within 1.6 kilometers [1.0 mile]), the compensation ratio should be 0.4 hectare (1 acre) replaced for every 0.4 hectare (1 acre) removed. The City would purchase mitigation credits at a mitigation bank approved by the California Department of Fish and Game. The estimated cost of one mitigation credit that is equal to 0.4 hectare (1 acre) of habitat replaced is approximately $3,000; however, the City would pay the current fee at the time the project is approved. If no mitigation credits were available, the City would contact the California Department of Fish and	Construction contracts	1, LTS Rationale:	

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			Game to determine the most feasible alternatives available at that time. b. The following measures would be implemented to avoid disturbance to nesting Swainson's hawks and their fledglings during construction: 1. No construction activities that may cause nest abandonment or forced fledging would be initiated within 0.4 kilometer (0.25 mile) of an active Swainson's hawk nest between March 1 and August 15. A preconstruction survey for Swainson's hawk would be conducted within 1 week from the start of ground-disturbing activities that occur during the breeding season (March 1–August 15). If an active nest is found prior to construction, the City would consult with the California Department of Fish and Game about appropriate mitigation. 2. Nest trees of Swainson's hawk would not be removed unless there is no reasonable way of avoiding them. If a tree must be removed, a management authorization (including conditions to offset the loss of the nest tree) would be obtained from the California Department of Fish and Game prior to removal, with the tree removal period specified in the management agreement. 3. If construction or other project-related activities that may cause nest abandonment or forced fledging of Swainson's hawk were necessary within the buffer zone of 0.4 kilometer (0.25 mile), a qualified wildlife biologist would evaluate existing conditions around the nest site to determine the minimum distance necessary to ensure that "take" of a Swainson's hawk is avoided. The minimum buffer would depend on the level of noise or construction disturbance, line of site between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors would be analyzed in coordination with the California Department of Fish and Game to make an appropriate decision on minimum buffer distances. In addition, the biologist would monitor the nest site weekly (funded by the			

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			project) to ensure that the minimum buffer is maintained until the young are fledged.			
Impact 3.16-4	***Potential loss of breeding and foraging habitat for riparian brush rabbit and riparian woodrat***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-4 a. Implement Mitigation Measure 3.15-1 (Avoid or compensate for removal of mature native riparian trees) and Mitigation Measure 3.16-8 (Potential disturbance or mortality of riparian brush rabbit and riparian woodrat during construction activities). b. The City will participate in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and will pay fees for the loss of 12.8 acres of Category C (Agriculture) lands and the loss of 34.8 acres of Category D (Natural Lands). The amount of the fee will be determined at the time the project goes to construction.	Construction contracts	1, LTS Rationale:	

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Impact 3.16-5	***Potential disturbance to or mortality of western pond turtle and giant garter snake during construction activities.***					
PWD	Director	Prior to issuance of a grading permit or construction	MM 3.16-5 a. To reduce potential impacts on the western pond turtle, a qualified biologist would conduct a survey for western pond turtles within 24 hours before the start of construction activities in French Camp Slough and the unnamed tributary. If a turtle were found in the construction area, the contractor would contact the project biologist. The project biologist would try to passively move the turtle out of the construction area. If a turtle becomes trapped during construction activities in the waterway, the biologist would remove the turtle from the work area and place it downstream from the construction area. b. As part of the environmental review process, the Federal Highway Administration is required to consult with the U.S. Fish and Wildlife Service and National Oceanographic and Atmospheric Fisheries on federally listed species. The City would comply with the avoidance, minimization, and compensation provisions agreed to by the Federal Highway Administration and the U.S. Fish and Wildlife Service during the Section 7 consultation. c. The following measures would be implemented during and immediately after construction activities to avoid impacts on the giant garter snake: 1. The City would develop and implement an environmental education program for construction employees about the importance of onsite biological resources, including special-status species and preventing the spread or introduction of noxious weeds. The environmental education program would be provided to all construction personnel to brief them on the need to avoid impacts on biological resources, including special-status species (such as Swainson's hawk, burrowing owl, giant garter snake, riparian brush rabbit, riparian woodrat, and special-status fish), and the penalties for not complying with biological mitigation requirements. A biologist approved by the U.S. Fish and Wildlife Service would inform all construction personnel about the life history of special-status species onsite; the importance of habitats for special-status species (i.e., slough and stream habitat and riparian forest); and the terms and conditions of the biological opinion. Proof of this instruction would be submitted to the U.S. Fish and Wildlife Service Sacramento Field Office.	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			2. Construction personnel would participate in a U.S. Fish and Wildlife Service-approved worker environmental awareness program. A qualified biologist approved by the U.S. Fish and Wildlife Service would provide photographs of a giant garter snake and inform all construction personnel about the types of habitats used by giant garter snakes, and about the regulations and penalties for unmitigated effects on the giant garter snake. Before construction activities at the Interstate 5 and Sperry Road overcrossings of French Camp Slough begin, the project biologist would delineate the work area to clearly define the aquatic habitat to be avoided. 3. All ground-disturbing activity within giant garter snake habitat would be conducted between May 1 and October 1, the active period for giant garter snakes. This would reduce direct impacts on the species because the snakes would be active and could avoid danger. If ground-disturbing activities were necessary in giant garter snake habitat between October 2 and April 30, the U.S. Fish and Wildlife Service Sacramento Field Office would be contacted to determine whether additional measures are necessary to minimize or avoid take. 4. A qualified biologist would inspect the project site weekly during ground-disturbing activities and monthly after ground-disturbing activities until project construction is complete. Biological inspection reports would be filed monthly with the City, County, and Caltrans. The reports would include any notices of violations given to the contractor during construction. 5. If giant garter snakes were encountered onsite, a U.S. Fish and Wildlife Service-approved biologist would notify the U.S. Fish and Wildlife Service immediately and submit a report, including dates, locations, habitat description, and any corrective measures taken to protect the snakes encountered. For each giant garter snake encountered, the biologist would submit a completed California Natural Diversity Database Field Survey Form (or equivalent) to the California Department of Fish and Game no more than 90 days after completing the last field visit to the project site. Each form would have an accompanying scale map of the site (such as a photocopy of the appropriate U.S. Geological Service 7.5-minute quadrangle map) and would provide at least the following information: township, range, and quarter section; quadrangle name; dates of field work; number of individual giant garter snakes encountered and life stages if known; and description of the habitats by vegetation types. 6. After completion of construction activities along French Camp Slough, any temporary fill or construction debris would be removed and disturbed areas restored to pre-project conditions.			

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			7. After completion of construction activities along French Camp Slough, any temporary fill or construction debris would be removed and disturbed areas restored to pre-project conditions.			
Impact 3.16-6	***Potential disturbance of nesting raptors, or the loss of eggs or nestlings, from removal of nesting trees or disturbance of nesting activities during construction activities***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-6 The following measures would be implemented to avoid impacts on active nests from construction activities: a. Because construction activities would occur during the breeding season for migratory birds and raptors (generally March 1–August 15), a qualified biologist would conduct a survey during spring or early summer (April–July) to determine whether nests are present within 0.4 kilometer (0.25 mile) of the project site. If an active raptor nest were found in this area, the City would contact the California Department of Fish and Game to determine the need for a no-disturbance buffer or the need to monitor the nest. Removal of any nest trees outside of the project site is expressly prohibited. b. Tree and shrub removal is required and would be conducted only outside the breeding season for migratory birds and raptors (generally March 1–August 15). If tree or shrub removal were required during the breeding season, the contractor would hire a qualified biologist before removal to conduct surveys for active migratory birds and raptor nests in the trees. If active migratory bird or raptor nests were found in the trees proposed for removal, the contractor would consult with the California Department of Fish and Game and the U.S. Fish and Wildlife Service before tree removal to develop a memorandum of understanding to promote the conservation of migratory bird populations.	Construction contracts	1, LTS Rationale:	
Impact 3.16-7	***Potential mortality of western burrowing owls, eggs, or nestlings during construction activities***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-7 To avoid impacts on the burrowing owl, a biologist would conduct a preconstruction survey for burrowing owls in suitable habitat within 75 meters (250 feet) of the project footprint. If burrowing owls were detected in the survey area, the following measures would be implemented:	Construction contracts	1, LTS Rationale:	

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Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			c. Occupied burrows would not be disturbed during the nesting season (February 1–August 31). d. When destruction of occupied burrows is unavoidable during the non-nesting season (September 1–January 31), suitable burrows would be enhanced (enlarged or cleared of debris) or new burrows created (installing artificial burrows) at a ratio of 2:1 on protected lands approved by the California Department of Fish and Game. Newly created burrows would follow guidelines established by the California Department of Fish and Game. e. If owls must be moved away from the project area, passive relocation techniques (such as installing one-way doors at burrow entrances) would be used instead of trapping. At least one week would be necessary to accomplish passive relocation and allow owls to acclimate to alternate burrows. f. If owls must be moved away from the project area, the City would work with the California Department of Fish and Game to find an appropriate permanent relocation site.			
Impact 3.16-8	***Potential disturbance or mortality of riparian brush rabbit and riparian woodrat during construction activities***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-8 The following measures would be implemented before and during construction activities to avoid potential impacts on riparian brush rabbit and riparian woodrat: a. A biologist approved by the U.S. Fish and Wildlife Service would conduct a preconstruction survey(s) (as specified by the U.S. Fish and Wildlife Service) for riparian brush rabbit and riparian woodrat within suitable habitat within 30 days of the start of construction. If a riparian brush rabbit or riparian woodrat were positively identified during the survey(s), the U.S. Fish and Wildlife Service would be notified immediately. The final results of the preconstruction survey would be provided in a letter report to the U.S. Fish and Wildlife Service before any ground-disturbing activities associated with the proposed project. b. Before any ground-disturbing activity, a minimum 1.2-meter-tall (4-foot-tall) temporary plastic mesh-type construction fence (Tensor Polygrid or equivalent) would be installed around riparian vegetation that would not be removed adjacent to the construction area. This	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			fencing should protect existing resources and prevent encroachment by construction vehicles and personnel. A qualified biologist would determine the exact location of the fencing, with the goal of protecting sensitive biological resources. The fencing would be strung tightly on posts with a maximum 3-meter (10-foot) spacing. The fencing would be installed in a manner that prevents any equipment from extending into the work area past the area necessary to complete the work. The fencing would be checked and maintained weekly until all construction is completed. c. The removal of native riparian shrubs and trees along French Camp Slough would be minimized to the maximum extent possible.			
Impact 3.16-9	***Potential concussion effects, sediment input, and contaminant input to aquatic systems during construction activities***					
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-9 Construction activities would be scheduled so that they do not interfere with the presence of special-status fish species. Work in French Camp Slough would take place from June 1 to October 1. This timeframe would avoid the majority of the adult and juvenile migration of anadromous species. There is no time restriction for Delta smelt in the project area. a. Erosion control measures would be applied to all disturbed slopes, including the banks of French Camp Slough. No nonnative grasses or herbaceous plant material would be used for erosion control. The plan would be compatible with the riparian revegetation plans. b. The contractor would at all times adhere to State Standard Specifications for avoidance of water pollution (Section 7-1.01G). These measures include detailed recommendations for keeping heavy machinery out of the water, limiting the amount of material (excavated or construction materials) that enters the stream, and maintaining flows at all times. Temporary measures may include, but are not limited to, the use of sediment basins, hay bales, and downstream silt catchments. The work would not create a plume of silt that extends greater than 30 meters upstream or downstream of the new bridge. c. To minimize water quality impacts on French Camp Slough and the San Joaquin River after the proposed project is complete, discharge of runoff from the newly constructed roadway would be directed away	Construction contracts	1, LTS Rationale:	

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Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			from the waterway. d. Sediment ponds may be used to settle out turbid water at construction areas. Before the first heavy storm, these sediment ponds would be cleaned of accumulated debris and the debris transported outside the area for disposal. e. A Storm Water Pollution Prevention Plan{ TC "Storm Water Pollution Prevention Plan (SWPPP)" \f A \l "1" } would be prepared before construction to reduce or eliminate any water quality reductions that could occur from the proposed project. f. Staging and refueling areas for equipment must occur a minimum of 150 feet away from the active stream channel or on the land side of any levee. Equipment washing areas must be located where the water cannot flow into the stream channel. g. The contractor would conduct periodic maintenance of erosion and sediment control measures. h. Soil exposure would be minimized through the use of best management practices, ground cover, and stabilization practices. Exposed dust-producing surfaces would be sprinkled daily until wet (but avoiding runoff). i. All erosion and sediment control measures would be removed after the working area is stabilized or as directed by the engineer.			
Impact 3.16-10 Temporary disturbance of nesting swallows on the Interstate 5 bridges over French Camp Slough during construction						
PWD	Director	Prior to issuance of grading permits or construction	MM 3.16-10 To avoid impacts on nesting swallows, the City would implement the following avoidance and minimization measures: a. To the extent possible given traffic considerations on Interstate 5, construction activities that could disturb nesting swallows would be conducted outside the breeding season (which generally occurs between February 1 to August 31) for these species. b. If construction activities were to occur during the swallows' breeding season, the City would hire a qualified biologist to inspect the crossing of French Camp Slough during the swallows' non-breeding season. If nests were found and were abandoned, they may be removed. To avoid damaging active nests, nests must be removed before the breeding season begins. A permit from the California	Construction contracts	1, LTS Rationale:	

Interstate 5/French Camp Road Interchange and Sperry Road Extension Project—Mitigation Monitoring and Reporting Program

Approving Agency	*Responsible City Staff or Body*	*Timing*	*Mitigation Measures*	*Product/ Action*	*Findings/ Significance After Mitigation*	*Approving Staff/ Completion Date*
			Department of Fish and Game and the U.S. Fish and Wildlife Service is required if active nests must be removed. c. After nests are removed, the crossing of French Camp Slough would be covered with mesh net or poultry wire before February 1 so swallows cannot attach their nests to the bridge through gaps in the net. A qualified biologist experienced in restricting swallow nesting would determine the exact type and size of netting. d. If netting of the crossing of French Camp Slough does not occur by March 1 and swallows colonize the bridge, modifications to this structure would not begin before September 1 of that year or until the young have fledged and all nest use has been completed. e. If steps are taken to prevent swallows from constructing new nests, work can proceed at any time of the year.			

CITY OF STOCKTON
NOTICE OF DETERMINATION

ASSESSOR RECORDER
COUNTY CLERK
GARY W. FREEMAN
2007 JUN 27 AM 10: 57
SAN JOAQUIN COUNTY
BY P Paulsen
DEPUTY

TO: ☒ County Clerk
San Joaquin County

☒ Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

FROM: Lead Agency
City of Stockton
c/o Community Development Department
Planning Division
425 North El Dorado Street
Stockton, CA 95202-1997
Contact Person: Senior Planner Mark Martin Phone: (209) 937-8569

SUBJECT: NOTICE OF DETERMINATION PURSUANT TO PUBLIC RESOURCES CODE, SECTION 21152 AND CAL. CODE OF REGULATIONS, TITLE 14, SECTIONS 15075, 15091, 15093, 15094, AND/OR 15096(I)

Project Title: Interstate 5/French Camp Road Interchange and Sperry Road Extension Project

City of Stockton EIR and/or IS File No(s).: EIR8-03 SCH No.: 2003112018

Discretionary Application(s) File No.(s): _____ Project Applicant: City of Stockton Public Works Dept. 22 E. Weber Ave, Stockton, CA 95202

Project Description/Location: Improvement of Interstate 5/French Camp Road Interchange and extension of Sperry Road from El Dorado Street to French Camp Road.

DETERMINATIONS: This is to advise that the City of Stockton, as a Lead Agency under the California Environmental Quality Act (CEQA), approved the above-described project/action June 26, 2007, and has made the following determinations regarding the project:

1. The project (☒ will) (☐ will not) have a significant effect on the environment.
2. ☒ An environmental impact report was prepared and certified for this project pursuant to the provisions of CEQA.
   ☐ A Mitigated Negative Declaration was prepared and adopted for this project pursuant to the provisions of CEQA.
3. Findings (☒ were) (☐ were not) made pursuant to Cal. Code of Regulations, Title 14, Section (☒15091-EIR), (☐ 15074-Neg Dec) and Mitigation measures (☒ were) (☐ were not) incorporated as part of the approval of the project.
4. Mitigation Monitoring and Reporting Program (☒ was) (☐ was not) adopted for this project.
5. Statement of Overriding Considerations (☒ was) (☐ was not) adopted for this project.
6. Pursuant to Cal. Code of Regulations, Title 14, Sections 753.5(a) or 753.5(c):
   ☒ California Department of Fish and Game (CDFG) fees are required, as applicable, and will be filed with this Notice of Determination (NOD); or
   ☐ This project is exempt from the CDFG fees and a Certificate of Fee Exemption has been prepared and will be filed with this NOD.
   ☐ CDFG Fees were filed with a prior NOD for this project/proposal (see attached receipt).

This is to certify that the environmental documentation and determinations for the project/action and any related mitigation measures, monitoring provisions, findings and statements of overriding consideration have been adopted on the basis of the whole record before the City and reflect the City's independent judgment and analysis. The environmental review record and record of project approval may be examined at the above-noted Lead Agency address.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

By: _____ Date: June 27, 2007
Senior Planner Mark Martin

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

Signature: P Paulsen Title: DEPUTY COUNTY CLERK
Posting Period Ending Date: 7/28/07

::ODMA\GRPWISE\COS.CDD.CDD_Library:62255.1

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

340934

Lead Agency: [illegible] Date: [illegible]

County/State Agency of Filing: [illegible] Document No.: [illegible]

Project Title: [illegible]

Project Applicant Name: [illegible]

Project Applicant Address: [illegible]

City [illegible] State [illegible] Zip Code [illegible] Phone Number: [illegible]

Project Applicant (check appropriate box):

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

Check Applicable Fees:

☒	Environmental Impact Report	$2500.00	$ [illegible]
☐	Negative Declaration	$1800.00	$
☐	Application Fee Water Diversion (State Water Resources Control Board Only)	$850.00	$
☐	Projects Subject to Certified Regulatory Programs	$850.00	$
☒	County Administrative Fee	$50.00	$ [illegible]
☐	Project that is exempt from fees		
☒	Notice of Exemption		
☐	DFG No Effect Determination (Form Attached)		

TOTAL RECEIVED $ [illegible]

Signature and title of person receiving payment: [illegible]

WHITE-PROJECT APPLICANT YELLOW-DFG/ASB PINK-LEAD AGENCY GOLDENROD-COUNTY CLERK

DFG 753.5a (Rev. 1/07)